

| IN THE UNITED STATES PATENT AND TRADEMARK OFFICE                           |   |
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| In re application of:<br><b>Matthew Breitwisch et al.</b>                  | Date: <b>10/18/2007</b>   |
| Serial Number: <b>10/539,335</b>   | Examiner: <b>Laura M. Schillinger</b>   |
| Filed: <b>06/15/2005</b>   | Group Art Unit: <b>2813</b>   |
| Title: <b>Finfet sram cell using inverted finfet thin film transistors</b> | IBM Corporation<br>D/18G, B/321, Zip 482<br>2070 Route 52<br>Hopewell Junction, NY 12533-6531 |

#### RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated October 4, 2007.

The Examiner in the aforementioned Office Action has required restriction under 35 U.S.C. 121 and 372, stating that the claims belong to:

Group I – claims 1-19, 23-24 drawn to an integrated circuit; and

Group II – claims 20-22, drawn to a method of forming a FinFet.

Of the generic invention, Applicants elect the claims of Group I, namely, claims 1-19, and 23-24 and withdraw from consideration the claims 20-22 of Group II.

The election of the claims of Group I is made without traverse.

The Office Action states further that the present application is directed to more than one Species of the generic invention. More specifically,

Species 1, claims 1-9;  
Species 2, claims 10-16;  
Species 3, claims 17-19; and  
Species 4, claims 23-24.

Applicants elect Species 1, claims 1-9 pertaining to an IC comprising a first and second transistor coupled together, and withdraw from consideration the claims associated with Species 2, 3 and 4 as being drawn to non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn.

The election of Species is made without traverse.

Applicants having elected to prosecute the invention of Species 1, consisting of Claims 1-9, withdraw from consideration the claims forming Species 2, 3, and 4, as being drawn to non-elected invention,.

**Applicants submit that if a generic claim is allowable, Applicants are then entitled to consideration of claims of additional species that include the limitations of the allowed generic claim, as stated in the Office Action.**

Respectfully submitted,

**MATTHEW BREITWISCH ET AL.**

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